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C O N F I D E N T I A L THE HAGUE 001677

SIPDIS

DEPARTMENT FOR WHA/CCA, PRM/A, EUR/UBI.

E.O. 12958: DECL: 06/27/2013

TAGS: [CU](#) [NL](#) [PHUM](#) [PREL](#) [PREF](#) [PGOV](#)

SUBJECT: UPDATE ON DUTCH DEPORTATION OF CUBAN ASYLUM
APPLICANT ON JUNE 30

REF: THE HAGUE 01627

Classified By: Political Counselor Mary E. Daly for reasons 1.5 (b) and
(d).

[1](#)1. (U) This is an action request. See para 6.

[1](#)2. (C) In discussions with the attorney, Mw. mr. W.M. Hompe, who is representing Cuban asylum applicant Jose Manuel Vargas Martin, PolOff was informed that no appeal had been filed after the original denial of asylum. Vargas Martin was represented by a different counsel during the initial asylum hearing, and Hompe does not know the reasons the other counsel did not file an appeal. Hompe said that during the asylum hearing, Vargas Martin based his asylum claim primarily on the economic conditions in Cuba and only talked of his possible detention in Cuba after he was told he would be deported to Cuba if he were denied asylum. Since no appeal was filed, under the Dutch Aliens Act, Vargas Martin is obliged to leave the country.

[1](#)3. (C) In a letter dated June 25, the Dutch Immigration and Naturalization Service (IND) informed Hompe that they had instructed Vargas Martin to surrender his passport to prepare for deportation proceedings. Vargas Martin's relatives had requested that he be allowed to travel independently to either Costa Rica or the United States. The IND said that was not possible unless he received a valid visa and a letter of confirmation that the third country would allow him entry. Such documents must be submitted to the IND by July 1 or he will be deported to Cuba.

[1](#)4. (C) Vargas Martin, who is married to a Lebanese woman, was in transit from Lebanon to Cuba when he requested asylum in The Netherlands. Vargas Martin's wife returned to Cuba and did not apply for asylum. Hompe requested that IND allow Vargas Martin to travel to Lebanon upon deportation; however, the IND said that since he did not have the proper travel documents to return to Lebanon, they must deny his request.

[1](#)5. (C) Vargas Martin has an aunt living in Miami who is coordinating his visa requests. He is waiting for a response to his request for a visa to Costa Rica. He also has family in the Dominican Republic and may try to obtain a visa there. At least two members of Vargas Martin's family in the United States have requested assistance from various USG and other government officials, resulting in numerous letters and phone calls requesting intervention to prevent his deportation to Cuba.

ACTION REQUEST

[1](#)6. (C) According to Hompe, the only option available to Vargas Martin to avoid deportation on either June 30 or July 1, is to request another delay of his deportation by COB June [1](#)27. She said that such a request from her would likely fail, but one from the USG would have a better chance of succeeding. Embassy The Hague requests immediate guidance on this case as to whether we should approach the Dutch authorities to request another delay of his deportation. Please also advise what, if any, alternative recourse may be available in the United States.
SOBEL